IN THE HIGH COURT OF JUDICATURE AT BILASPUR
(CHHATTISGARH)

M.C.C No. 399 /2006

Petitioner

Lalsai Khunte aged aboput 40 years S/o Kartik Ram R/o Village Jangahan Post Mukta, Tahsil and Thana Malkhaauda, Distt. Janjgir Champa

VERSUS

Respondents

1. Nirmal Sinha aged about 32 years *S/o Nandram Sinha, R/o Village* and post Hasaud, Tahsil and Thana Jaijaipur, Distt. Janjgir Champa
2. Chain Singh Samle aged about 44 years, S/o Anand ram Samle R/o Village Adil Post Orda, Tahsil and Thana Malkharaud Distt. Janjgir Champa
3. *Dayaram Koshle ageda bout* 58 years, S/o Kunjram Koshle, R/o Village Post Jaijaipur Tahsil and Thana Malkharauda Distt. Janjgir Champa
4. Jambulal Khunte aged about 25 years R/o Village jamgahan Post Mukta,Tahsil and Thana *Malkharauda Distt. Janjgir Chmpa*
5. Bandhulal aed about 35 years, S/o Bodoram R/o Village and post Bandora Tahsil and Thana Malkharaud Distt. Janjgir Chmpa
6. Tarjan Siongh aged about 26 years, S/o Late Shri Kartikram R/o Village Post Piharid,Tahsil and *Thana Malkharauda Distt. Janjgir* Chmpa
7. Rajkumar aged about 32 years S/o

(6) (5)

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Deoram, R/o Village and post
Odekera,Tahsil and Thana Malkharauda
Distt. Janjgir Chmpa

APPLICATION UNDER SECTION 116-B OF THE
REPRESENTATION OF THE PEOPLE ACT 1951

XI-HC-22

(18)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

MCC आदेश पत्रक
599

मामला क्रमांक ..... सन् 2006

..... विरुद्ध .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

04/08/2006

Shri Parag Kotecha, Counsel for the petitioner.

Shri Pradeep Saxena, Counsel for respondent No.1.

Shri Prakash Tiwari, Counsel for respondent No.2.

None for other respondents.

Learned counsel for the petitioner submits that to remove the objection pointed out by the Registry, he has filed application in proper format, memo of appearance and affidavit. To remove objection regarding non-furnishing of certified copy of judgment, he has filed an application for exempting him from filing certified copy of the judgment dated 01/08/2006.

Heard on I.A.No. 2450/2006 i.e., an application for removing the default, I.A.No.2451/2006 i.e., an application for exempting him from filing certified copy of the judgment dated 01/08/2006 and I.A.No.2468/2006 i.e., an application for taking affidavit on record. All these applications are not opposed by respondents No. 1 and 2.

After due consideration application for exemption from filing certified copy of the judgment dated 01/08/2006 and I.A.No.2468/2006 i.e., an application for taking affidavit on record are allowed. So far default pointed out by the office, that application is not in proper format and non-submission of memo of appearance both these defaults have been removed by the petitioner by filing application in proper format and memo of appearance.

(पीछे देखिये)

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक ..... **सन्** **200**

..... विरुद्ध .....

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आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

Heard on M.C.C.No.399/2006 i.e., an application under Section 116-B of the Representation of People Act, 1951(henceforth, "the Act").

This Court vide order dated 01/08/2006 passed in Election Petition No.09/2004 set aside the election of the petitioner Lalsai Khunte from Malkharauda Assembly Constituency No.38 to the Chhattisgarh State Legislative Assemly which was declared on 04/12/2003. Petitioner by the instant application under Section 116-B of the Act, showing his intention to file an appeal before Hon'ble the Supreme Court under Section 116-A of the Act, has prayed to stay the operation of order dated 01/08/2006 in the ends of justice.

To avoid "situation defying solution" on the following conditions, for the next 15 (fifteen) days or till filing of the appeal whichever is earlier, the operation of the order dated 01/08/2006 passed by this Court, shall remain stayed.

1) All his powers, rights and privileges attached with the seat (post) that of Member of Legislative Assembly, Malkharauda Assembly, Constituency No.38 and consequent to it other posts held by him shall remain suspended.
2) Petitioner shall only entitle to sign the Register.
3) Petitioner shall not participate or vote in the proceedings of the House or to draw any salary etc., as Member of the House.

[redacted]

(आगे देखिये)

XI-HC-22

(20)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक ..... सन् 200

..... विरुद्ध .....

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आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	If respondents No.3 to 7 have any grievance against the order, they may raise their grievance. If any new events take place or situation cropped up warranting the review of the order, parties shall be at liberty to move this Court for appropriate direction in accordance with law. A copy of this order be sent immediately to the Election Commission and Speaker of the State Legislative Assembly. Parties shall be entitled to have copy of it in accordance with law. M.C.C.No.399/2006, I.A. Nos. 2450/2006, 2451/2006 2452/2006 and 2468/2006 stand disposed of. Sd/- V.K.Shrivastava Judge	

Raju